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EXAMINER

HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,072

Applicant(s)

ROTHSCHILD, WAYNE H.

Examiner

Matthew D. Hoel

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-51, 62, 63 and 66-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 19, 21-35, 39-51, 62, 63, 66-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/07, 12/03/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 4. Determining the scope and contents of the prior art.
 5. Ascertaining the differences between the prior art and the claims at issue.
 6. Resolving the level of ordinary skill in the pertinent art.
 7. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1 to 3, 6 to 15, 21 to 23, 31, 62, 63, and 66 are rejected under 35 U.S.C. 103(a) as being obvious over Harkham (WIPO publication WO 01/91866 A1, PCT application PCT/US01/17285) in view of Cannon, et al. (U.S. patent 6,652,378 B2).
9. As to Claims 1, 10, 31, and 66: '866 discloses all of the elements of Claim 1, but lacks specificity as to downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Harkham in '866 teaches a method of using a casino-based, player-operated comprising (Abst.):
accessing a web-based central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) from the gaming machine in a land-based casino (casinos 110

Art Unit: 3714

and 112, Fig. 1), the gaming machine being linked to the central server system by a reconfigurable, multi-site computer network (Internet, Page 4, Line 20); and conducting, via the gaming machine, a wagering game on the computer network by receiving a wager from the player (Page 3, Lines 27 to 28), generating a random event (cards dealt or wheel spun, Page 9, Line 18), and providing an award to the player for a winning outcome of the random event (Page 30, Lines 30 to 31); wherein the wagering game includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22); and wherein the step of conducting the wagering game includes displaying the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). Regarding the newly claimed limitations, '866 displays randomly generated and dynamically generated audiovisual content representing an outcome of the wagering game to the player. In one embodiment, where some of the players are remote players, the remote players are represented by avatars in a virtual game room (Page 10, Lines 1 to 9). Alternatively, '866 displays camera images of the physical players at the gaming table and use a video phones to display images and audio information of the remote players (Page 9, Lines 12 to 21). '866 transmits dynamically generated audio content to the player (playing instructions transmitted in non-audio format to save bandwidth, audio instruction dynamically played as audio in response to these instructions; alternatively audio directly from remote player played, Page 8, Line 30 to Page 9, Line 6). '866 transmits randomly selected and dynamically generated visual content to the player (card game embodiment, images of dealer and physical players along with cards being

dealt, 9:12-21; images of remote players, 8:24-29; three-dimensional chatroom of avatars of real and physical players, 10:1-9). '866 teaches integrating casino gaming with non-casino interactive gaming at a central server system (Abst.; players can play by proxy at actual game tables 4:25-33, also first para. of Page 5; player can also play virtual slot machine at a slot machine server, Fig. 2, 2:10-15, virtual slot machines disclosed Page 14 and 15 but without audiovisual content). '866 establishes a communications link between the central server system and a player-operated gaming machine in a land-based casino (Figs. 1). '866 teaches offering a plurality of wagering games on the central server system (plurality of slot machines offered on central server system, Pages 14 & 15). '866 establishes via a reconfigurable computer network a communications link between the central server system and a player-operated computing device remote from any land-based casino (Internet connection, Fig. 2). '866 authorizes the computing device to access a second of the wagering games offered on the central server system (plural slot games of Pages 14 & 15, or alternately the live table game of Figs. 4, 7-9, Pages 8-13; authorization, Fig. 3, Pages 5 to 8). '866 generates the random events as outlined above. '378, however, teaches downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game. Multiple players can play simultaneous games displayed on each other's gaming device and can communicate with each other visually and aurally (28:65 to 29:62 generally, 29:18-27 specifically). The outcome is randomly selected (games of chance, 8:61-9:20). The audiovisual content is dynamically generated (multiple games played simultaneously, 8:33-45; stream of real-time

Art Unit: 3714

information, 13:64-14:14; players communicating aurally and visually while playing simultaneously, 17:42:56, 29:18-27). What '866 lacks regarding the new amendments to the claim is the audiovisual content for the server-based games, whereas the server-based slots of '866 were statistics based. This audiovisual content, however, is disclosed in Cannon, et al. ('378). '810 teaches players watching their friends play electronic wagering games on their respective machines, which each player watching the other games on respective windows on their own gaming machines (16:55-17:21). This is done by means of web servers which stream the audiovisual content of the electronic wagering games to the watching friends' respective gaming machines, acting as servers with server based wagering games (10:5-13, 14:44-64, 19:6-19). Audio content is also streamed by the players' conversing with one another (17:42-56). These server-based electronic wagering games with streamed audiovisual content applied to the statistics-only slot servers of '866 result in offering a plurality of wagering games on the central server system, the plurality of wagering games including audiovisual content and game software for generating a random event, the audiovisual content including computer-generated images and animation representing the random event, and conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system wherein the audiovisual content for the second of the wagering games is presented at the computing device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated

outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error.

10. As to Claim 2: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

11. As to Claim 3: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

12. As to Claim 6: '866 downloads the audiovisual content from the central server to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33). '866 conducts the wagering game by executing the game software at the central server system (Page 15, Lines 7 to 23).

13. As to Claim 7: '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). It would be obvious to one of ordinary skill in the art to download and execute a significant portion of the game software at the wagering machine. The client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2,

Art Unit: 3714

Lines 1 to 15), a process controlled by software. The player can also interact with other players by video, audio, and chat (Page 21, Lines 9 to 15), also controlled by software. '866 also is able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The advantage of this would be to reduce computing load on the central server by doing "housekeeping" functions like security verification at the client.

14. As to Claim 8: The step of accessing the central server system includes accessing a web site operated by the central server system (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

15. As to Claim 9: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

16. As to Claim 11: '866 receives a wager from the player (Page 3, Lines 27 to 28), generates a random event (cards dealt or wheel spun, Page 9, Line 18), and provides an award to the player for a winning outcome of the random event (Page 30, Lines 30 to 31).

Art Unit: 3714

17. As to Claim 12: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

18. As to Claim 13: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

19. As to Claim 14: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

20. As to Claim 15: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

21. As to Claim 21: The gaming system of '866 can execute the audiovisual content at the gaming device (Page 10, Lines 11 to 12) and the game software at the central server system (Page 15, Lines 7 to 23).

22. As to Claim 22: '866 offers a plurality of wagering games on a central server system by posting the wagering games on a web site operated by the central server system (Page 4, Lines 12 to 26; Page 7, Lines 23 to 34).

23. As to Claim 23: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating the random event (virtual slot machine, Page 15, Lines 20 to 22), with the gaming machine being free of a game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines

Art Unit: 3714

23 to 25). Televisions would not have any gaming software, as they are non-programmable.

24. As to Claim 62: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicates over the computer network using TCP/IP.

25. As to Claim 63: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 to communicates over the computer network using TCP/IP.

26. Claims 19, 24 to 30, 32 to 35, 39 to 51, 64, 67, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkham ('866) and Cannon ('378) in view of Larose (U.S. pre-grant publication 2002/0087876 A1, application 09/749,421).

27. As to Claim 19: The combination of '866 and '378 discloses all of the elements of Claim 19, but lacks specificity as to downloading game software from the central server system to the gaming machine and executing the game software at the gaming machine. '866 teaches downloading the audiovisual content from the central server system to the gaming machine (Page 3, Lines 19 to 29; Page 8, Lines 32 to 34; Page 11, Lines 21 to 33) and executing the audiovisual content at the gaming machine (Page 10, Lines 11 to 12). Larose, however, in '876 teaches downloading software from a central server to a computing device and executing the software on the computing device (Abst., Figs. 2 and 3, Para. 33 and 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the executable

download of '876 to the system of '866 and '378. The system of '876 can be used for distributing demo versions of game (Para. 53). In '866, client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15); this could be used in conjunction with the encryption of '876 (Para. 46 and 47). '866 also is able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could or '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server. The advantage of this combination would be to reduce computing load on the central server by executing the game software on the client gaming device, while still maintaining the system's security.

28. As to Claim 24: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

29. As to Claims 25 and 26: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network.

Art Unit: 3714

30. As to Claim 27: The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3).

31. As to Claims 28 and 29: The system of '876 downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine (Fig. 2, Para. 84).

32. As to Claim 30: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted, downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

33. As to Claim 32: The wagering game of '866 can be slots (Page 15, Lines 7 to 23).

34. As to Claim 33: Fig. 2 of '866 shows an in-hotel gaming network, which is an intranet.

35. As to Claim 34: The computing device of '866 is linked to the central server system by the Internet (Internet, Page 4, Line 20; web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33).

Art Unit: 3714

36. As to Claim 35: '866 uses a hardware security key to enable the computing device to be linked to the central server system by the Internet (smart card, Page 2, Lines 1 to 15).

37. As to Claim 39: One of the gaming machines of '876 receives the audiovisual content and game software from the central server system, stores the audio visual content and game software locally, and executes the game software locally (Figs. 2 and 3, Para. 84).

38. As to Claim 40: In '866, the central server system can execute audiovisual content (real-time video streaming without interpretation by client device, Page 13, Lines 7 to 10), and game software (Page 15, Lines 7 to 23). The computing device can be used to play the same or another of the wagering games (each player can pick his or her own game, Page 5, Lines 15 to 16).

39. As to Claim 41: In '866 the central server system executes the game software (Page 15, Lines 7 to 23). In '876, the computing device receives the audiovisual content from the central server system and stores the audiovisual content locally (Figs. 2 and 3, Para. 84).

40. As to Claim 42: The central server system of '866 operates a web site (web site, Page 2, Lines 9 to 12; server, Page 2, Lines 26 to 33) posting a plurality of wagering games (Page 5, Lines 14 to 16).

41. As to Claim 43: The wagering game of '866 includes audiovisual content (Page 10, Lines 11 to 12) and game software for generating a random event (virtual slot machine, Page 15, Lines 20 to 22). At least one of the gaming machines is free of a

Art Unit: 3714

game engine for executing the game software. In one embodiment of '866, the games on a hotel gaming system are played on televisions in the users' hotel rooms (Page 5, Lines 23 to 25). Televisions would not have any gaming software, as they are non-programmable.

42. As to Claim 44: The software of '876 includes a basic version (110, Fig. 3; game demo version, Para. 53).

43. As to Claims 45 and 46: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network using a computing device or a gaming machine.

44. As to Claim 47: The game of '876 has an enhanced version having upgraded audiovisual content (Fig. 3, Para. 53 to 55).

45. As to Claims 48 and 49: The computing device of '876 receives the upgraded audiovisual content from the central server system and stores it locally (Fig. 3, Para. 53 to 55, Para. 84). '866 teaches a gaming machine, which is a computing device (Abst.).

46. As to Claims 50, 67 to 71: At least one of the games of '876 has a basic version and an enhanced version (Para. 53 to 55). The enhanced version of '876 has upgraded audiovisual content (versions two and three graphics files, 305 and 306, Fig. 3). The basic version is conducted on a computing device or a gaming machine (Para. 84). The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would be an obvious design choice to use JavaScript or another web-based language to play the basic version over the network. The enhanced version of '876 is conducted,

downloaded, and stored locally with the enhanced audiovisual content (Fig. 3) on a computing device or a gaming machine (Para. 84).

47. As to Claim 51: The plurality of games of '866 are associated with a common entity, as they are all stored on a central server system operated by the same casino (Page 5, Lines 14 to 16; Fig. 1).

48. As to Claim 64: The system of '866 uses web-based interfaces (Page 2, Lines 10 to 11). It would thus be inherent that the machine of '866 communicates over the computer network using TCP/IP.

49. As to Claim 72: The playing of a third game on a second gaming machine is a duplication of structure as the first and second wagering games were addressed above in the rejection of Claim 1 (MPEP 2144.04 (IV)(B). Duplication of Parts In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies in the joint, and a plurality of "ribs" projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.).).

Response to Arguments

50. Applicant's arguments filed 2-12-2007 have been fully considered but they are not persuasive. The examiner's "Response to Arguments" of 9-11-2006 and 5-14-2007 are incorporated by reference. All of the games of '866 relied upon in this rejection are wagering games in that the player places a wager to play the games (player wagering in remote card game, 18:15-29; player wagering in simulated slot game, 14:1-25). They are not all "wagering games" in the restrictive sense argued by the applicant in his remarks, restricting the wagering game to be only online computer games with no representation of live table play as disclosed in '866. The simulated slot game of '866 does anticipate wagering game in the restrictive sense argued by the applicant because it is an online computer game with no representation of table play. '866 executes the audiovisual content locally (8:17-10:12 generally, 8:30-9:5 and 10:1-9 specifically). The applicant is arguing in his remarks the other embodiment in which the software is downloaded and installed, Page 17:4-18. There are two embodiments of "configuring" in the applicant's specification, and the "configuring" of '866 matches one of them. '866 configures the gaming machine from the central server system for conducting a wagering game (software downloaded to memory for execution, Page 13, Lines 27 to 35); this matches the instant configuration of web-based software instantly configured to display appropriate game themes of the applicant's specification, Page 19:29 to Page 20:5. What '866 lacks regarding the new amendments to the claim is the audiovisual content for the server-based games, whereas the server-based slots of '866 were statistics based. This audiovisual content, however, is disclosed in Cannon, et al.

Art Unit: 3714

('378). '810 teaches players watching their friends play electronic wagering games on their respective machines, which each player watching the other games on respective windows on their own gaming machines (16:55-17:21). This is done by means of web servers which stream the audiovisual content of the electronic wagering games to the watching friends' respective gaming machines, acting as servers with server based wagering games (10:5-13, 14:44-64, 19:6-19). Audio content is also streamed by the players' conversing with one another (17:42-56). These server-based electronic wagering games with streamed audiovisual content applied to the statistics-only slot servers of '866 result in offering a plurality of wagering games on the central server system, the plurality of wagering games including audiovisual content and game software for generating a random event, the audiovisual content including computer-generated images and animation representing the random event, and conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system wherein the audiovisual content for the second of the wagering games is presented at the computing device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the downloading audiovisual content representing a randomly-selected and dynamically-generated outcome of the wagering game of '378 to the gaming system of '866. '866 is analogous to '378 in that multiple players play simultaneously, with each player being able to simultaneously see the results of his or her game play along with that of the co-players (9:12-10:9). The players are also able to communicate with each other by visual and aural means (9:12-

Art Unit: 3714

21, 10:1-9). The players of '866 and '378 are able to play many of the same games remotely ('866, 5:14-16; '378, 9:1-5). The advantage of this combination is that '378 eliminates the live table aspect of '866, reducing labor costs for the casino and eliminating the risks of player or dealer cheating and human error. The examiner respectfully disagrees with the applicants as to the claims' condition for allowance.

Conclusion

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

52. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

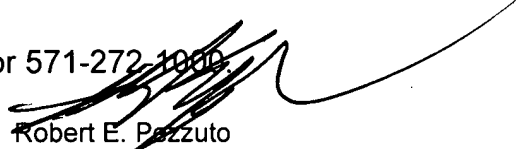
53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

Art Unit: 3714

54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

55. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel
Patent Examiner
AU 3714



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714